S.B.Cr.Misc. Bail App. No. 4412/2007
(Bhabhootram Vs. State of Rajasthan)

Date of order : 07/09/2007

**HON'BLE MR.H.R.PANWAR, J.**

Dr. S.S.Jodha for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioner that the land from which the alleged opium crop was recovered is jointly owned by four persons and there is no evidence that it was the present petitioner exclusively in possession and cultivated the said land.

Be that as it may, since the land is jointly owned by four persons, without commenting on the merit of the case which may prejudice the case of either party at the trial of the case, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Bhabhootram S/o Late Shri Hanutaram be released on bail in CR No. 50/2007 P.S. Soorsagar, Jodhpur, provided he executes a personal bond for a sum of

Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

**(H.R.PANWAR), J.**

**RP**